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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,

Plaintiff,

v.

CLARK R. TAYLOR, AICP, THE LOS
ANGELES COUNTY DEPARTMENT
OF REGIONAL PLANNING,

Defendant.

Case No. 2:22-cv-09203-MEMF-KS

Request for Judicial Notice [No. 10]

Fed R. Evid. 201(c)(2)¹

Judge: Honorable Maame Ewusi-Mensah
Frimpong

Chief Magistrate Judge: Karen L. Stevenson

NOTICE TO THE COURT, “[p]rinted materials purporting to be newspapers or periodicals” are self-authenticating. Fed.R.Evid. 902(6); *Orloff v. Cleland*, 708 F.2d 372, 378 n. 6 (9th Cir.1983) (“This evidence, together with the submission of newspaper articles reporting the circumstances of the...wrongdoing, is sufficient to create a material factual dispute...”). *See* Christian Bautista, “Developer Occupies Calabasas Site in Protest to Stop Auction,” *The Real Deal* (Sept. 19, 2024), <https://therealdeal.com/la/2024/09/19/developer-occupies-calabasas-site-in-protest-to-stop-auction/>.²; ECF No. 180 at 3-9.

In ruling on a summary judgment motion, a trial court can consider only admissible evidence. *Beyene v. Coleman Sec. Servs., Inc.*, 854 F.2d 1179, 1181 (9th Cir.1988) (citing

¹ “Judicial notice, even when taken, has no other effect than to relieve one of the parties to a controversy of the burden of resorting to the usual forms of evidence. It does not mean that the opponent is prevented from disputing the matter by evidence if he believes it disputable.” *Ohio Bell Tel. Co. v. Public Utilities. Comm.*, U.S. 292, 301-302 (1937). *See also*, Atlas, Inc., New Home Address @ 27250 Agoura Rd., Calabasas, CA 91301, YOUTUBE (Aug. 28, 2024), <https://www.youtube.com/watch?v=VVP9YFYJmDA>.

² *See also*, Christian Bautista, “Developer Allegedly Defaults on Planned Calabasas Project,” *The Real Deal* (Feb. 27, 2024), <https://therealdeal.com/la/2024/02/27/developer-allegedly-defaults-on-planned-calabasas-project/>; ECF No. 180 at 10-13.

Fed.R.Civ.P. 56(e)). “Authentication is a ‘condition precedent to admissibility.’” *Orr v. Bank of America NT & SA*, 285 F.3d 764, 773 (9th Cir.2002) (citing Fed.R.Evid. 901(a)). The authentication requirement is satisfied when “the trial judge determines that there is *prima facie* evidence of genuineness,” that is, “evidence sufficient to support a finding that the matter in question is what its proponent claims.” *Id.* at 773 & n. 6. In other words, case law supports that this request for judicial notice is self-authenticating and should be considered in the pending *de novo* review of the Magistrate’s R&R...to ensure a just, speedy, and inexpensive determination of this *live* controversy.

Respectfully submitted,

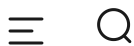
Dated: November 14, 2024

/s/ Clinton Brown, Self-Represented
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CC: All Counsel of Record (via ECF) on November 14, 2024

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Developer occupies Calabasas site in protest to block county auction

Clinton Brown “illegally living” on 27-acre parcel where wants to build subdivision

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A photo illustration of developer Clinton Brown along with an aerial view of 27250 Agoura Road in Calabasas (Getty, LinkedIn/Clinton Brown, LoopNet)

By Christian Bautista

SEP 19, 2024, 4:13 PM

Los Angeles County officials are said to have scheduled an auction for a 27-acre site atop the Calabasas hills. However, the owner of the site is refusing to budge, occupying the property in protest while accusing local officials of trespassing.

The property, at 27250 Agoura Road, was previously on the market for \$29 million. When the listing surfaced on Zillow and other websites in February, Clinton Brown, the owner of the property, claimed that the site had entitlements for a 200-home subdivision. The residential plans, as well as a previous proposal to build a 20-megawatt solar field on the site, were ultimately rejected by the county.

According to Brown, the listing has generated engagement, particularly from home builder Toll Brothers. In a statement, he said that the firm has expressed

#1273
interest in buying the site for \$29 million. *The Real Deal* has not been able to verify this claim. Toll Brothers did not respond to requests for comment.

A legal dispute has swirled around the property since December 2022. In his initial complaint, Brown claimed that Los Angeles County's Department of Regional Planning violated his rights under the Fifth Amendment, particularly the Takings Clause, which requires "just compensation" for private property taken for public use. Citing that provision, Brown, who is representing himself in the case, claimed that he is entitled to a \$32.4 million payout.

L.A. County's counsel, on the other hand, cast doubts on the ownership of the site and claimed that no structures should be built there because it is zoned as open space in an ecological area. Since the start of the dispute, Brown has accumulated a succession of fines from the county for orchestrating a "public nuisance." While the total amount is unclear, he mentioned a total \$40,914 in fines from May and July in a court filing.

In May, Central District Court Judge Karen Stevenson rejected Brown's claim, recommending a ruling in favor of Los Angeles County officials. "After thoroughly examining the evidence submitted by both sides, the court concludes that plaintiff's assertions that a constitutional taking occurred do not establish disputed issues of material fact sufficient to preclude summary judgment. Indeed, plaintiff has failed to counter the law and evidence put forth by defendant establishing that no such taking occurred here," the recommendation stated.



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Brown responded by occupying the site in protest and putting up a sign declaring that he was “homeless on my own land.”

“The plaintiff is noticing to the court and the government that he is illegally living on his property in contravention of the government’s position in federal court,” Brown said in a court filing last month.

A Los Angeles County representative declined to comment on what it plans to do about Brown’s protest.

The developer’s intentions are perfectly clear.

“I’m not backing down because I just want to build the housing we need, and the government is not going to stop me from doing that,” he told *TRD*.

Brown’s brokerage, Atlas, planned to build a residential project on the site called Atlas Hills. The project, described as a “new, vibrant California neighborhood,” featured homes fitted with “the latest in smart home technology,” according to the company’s website. Three-bedroom, two-bath homes in the planned complex were marketed for sale at nearly \$1.1 million.

The auction for the site has been scheduled for April 19 to 22 next year, according to a court filing. The county declined to confirm that an auction has been scheduled.

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COMMERCIAL LOS ANGELES

Developer allegedly defaults on planned 200-home Calabasas project site

Property is on market for \$29M with entitlements pending litigation



A photo illustration of solar field developer Clinton Brown and 27250 Agoura Road in Calabasas (Getty, LinkedIn, Compass Real Estate)

FEB 27, 2024, 5:45 PM

By Christian Bautista

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Solar farm developer Clinton Brown has allegedly defaulted on a loan at a Calabasas site where he wants to build a 200-home subdivision, *The Real Deal* has learned.

The property, at 27250 Agoura Road, is currently on the market for \$29 million, according to a

listing on Zillow and other websites. The vacant lot covers 27.4 acres perched atop the Calabasas hills. Entitlements for the envisioned houses are pending the resolution of a federal lawsuit against L.A. County, according to the listing.

The entity that owns the site, Atlas LLC, was issued a default notice on Dec. 18, property records show. The lender, Steve Weera Tonasut Trust, claims that Atlas fell behind on \$268,027 in debt.

Brown's brokerage firm, Atlas Inc., plans to build a residential project on the site called Atlas Hills. According to the company's website, the project, described as a "new, vibrant California neighborhood," will feature homes fitted with "the latest in smart home technology." Three-bed, two-bath homes in the planned complex are already up for sale at nearly \$1.1 million, based on the company's website.

"I just want to be able to develop this property for

housing that we need
today,” Brown told *TRD*.

The default notice came after Brown sued investor Emil Assentato, who owned a minority stake in the property. According to court documents, Brown initially planned to build a 20-megawatt solar field on the site. However, this was rejected by the Los Angeles County Department of Regional Planning.

Brown filed a lawsuit against the agency in 2022 over the rejection, arguing in the complaint that the designation of the entire property as a “significant ecological area,” which justifies the denial, violates the Constitution’s Takings

Clause. The case remains open, court records show.

The alleged default adds to the roster of distressed residential development sites in the Los Angeles market.

L.A.-based developer Shangri-La Industries has allegedly defaulted on \$41 million in debt tied to seven properties under Project Homekey, a state program that funds conversions of motels into housing for the homeless. According to *TRD* data, the firm has obtained at least \$121 million in loans from the state between 2020 to 2022.

In December, WS Communities defaulted on a \$5.3 million loan tied to a parcel in Santa Monica. The lot sits adjacent to a 16-story apartment tower that the firm is constructing under builder's remedy.